

## REMARKS/ARGUMENTS

### A. Remarks.

Claims 1, 3, and 7 - 25 are pending in this application. Claim 26 is objected to. Claims 1, 3, 10, 11, and 13-16 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Deutsch et al. U.S. Patent No. 4,340,617. Claim 7 stands rejected under 103(a) as being unpatentable over Deutsch et al. '617 in view of Marcus, U.S. Patent No. 5,017,317. Claims 9, 12, 18-24, and 26 stand rejected under 103(a) as being unpatentable over Deutsch et al. '617 in view of Maxwell et al. U.S. Patent No. 5,786,023. Claim 8 stands rejected under 103(a) as being unpatentable over Deutsch et al. '617 in view of Marcus '317 and further in view of Amako et al., U.S. Patent No. 5,497,254. Claim 17 stands rejected under 103(a) as being unpatentable over Deutsch et al. '617 in view of Amako et al. '254. Claim 25 stands rejected under 103(a) as being unpatentable over Deutsch et al. '617 in view of Maxwell '023 and further in view of Amako et al., '254.

### B. Response

#### 1. Claim Objection – claim 26

Claim 26 is objected to for reciting an abbreviation. In response, claim 26 is being cancelled with this paper, accordingly the objection to claim 26 is no longer applicable.

#### 2. 35 U.S.C. § 102(b) – Claims 1, 3, 10, 11 and 13-16.

Claims 1, 3, 10, 11, and 13-16 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Deutsch et al. U.S. Patent No. 4,340,617. In response, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. Of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987).

Claim 1 as amended recites a "processing chamber at a pressure of about 100 pounds per square inch." Deutsch et al '617 disclose a processing chamber at this pressure and thus does not include each element of claim 1. Applicants therefore respectfully request Deutsch et al. '617 be removed as the basis for the rejection of claim 1 and its respective dependent claims.

3. 35 U.S.C. § 103(a) - Claim 7

Claim 7 stands rejected under 103(a) as being unpatentable over Deutsch et al. '617 in view of Marcus '317. In response, to support an obviousness rejection under 35 U.S.C. § 103(a), all of the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 984-85 (CCPA 1974). For the reasons listed above, applicants assert Deutsch et al. '617 fails to teach all claim limitations of claim 1; and since claim 7 depends from claim 1, the combination of Deutsch et al. '617 and Marcus '317 do not teach or suggest all claim limitations of claim 7. Accordingly, the cited references are inappropriate to support a rejection of claim 7 under 35 U.S.C. § 103(a) and applicants respectfully request the rejection be reconsidered and removed.

4. 35 U.S.C. § 103(a) - Claims 9, 12, 18-24, and 26

Claims 9, 12, 18-24, and 26 stand rejected under 103(a) as being unpatentable over Deutsch et al. '617 in view of Maxwell et al. '023. Claim 9 is being amended with this paper to recite the step of "influencing the gas phase change rate by controlling the chamber pressure." Applicants were unable to locate a reference in Maxwell et al. '023 relating gas phase change rate to chamber pressure control. Claim 12 is being amended with this paper to recite maintaining pressure at about 100 pounds per square inch, and as noted above claim 26 is being cancelled. Since Deutsch et al. '617 and Maxwell et al. '023 do not teach all steps of amended claim 9,

applicants respectfully request these references be removed as a basis for the rejection of claim 9 and its dependent claims.

5. 35 U.S.C. § 103(a) - Claim 8

Claim 8 stands rejected under 103(a) as being unpatentable over Deutsch et al. '617 in view of Marcus '317 and further in view of Amako et al. '254. In response, claim 8 depends from claim 7, and thus claim 8 is patentable over Deutsch et al. '617 and Marcus '317 for the same reasons as claim 7.

6. 35 U.S.C. § 103(a) - Claim 17

Claim 17 stands rejected under 103(a) as being unpatentable over Deutsch et al. '617 in view of Amako et al. '254. In response, claim 17 depends from claim 1, and is patentable over Deutsch et al. '617 for the same reasons as claim 1 is patentable over this reference.

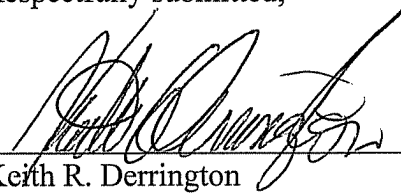
7. 35 U.S.C. § 103(a) – Claim 25

Claim 25 stands rejected under 103(a) as being unpatentable over Deutsch et al. '617 in view of Maxwell '023 and further in view of Amako et al., '254. In response, claim 25 depends from claim 9, and is patentable over Deutsch et al. '617 Maxwell '023 for the same reasons as claim 9.

## CONCLUSION

It is believed that the foregoing response is full, complete, and timely filed. Applicants respectfully request reconsideration of the instant application in light of the foregoing response and amendments. Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of the application, the Examiner is invited to contact the Applicants' representative by telephone or fax.

Respectfully submitted,



Keith R. Derrington  
Registration No. 44,061  
BRACEWELL & GIULIANI LLP  
P.O. Box 61389  
Houston, Texas 77208-1389  
Telephone: (713) 221-1515  
Facsimile: (713) 437-5320  
Email: ron.derrington@bgllp.com  
Attorneys for Applicants

Date: September 2nd, 2008